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Cc: CN=Tom Hagler/OU=R9/O=USEPA/C=US@EPA[]
From: CN=Karen Schwinn/OU=R9/O=USEPA/C=US
Sent: Thur 7/21/2011 8:50:46 PM
Subject: Re: highlights of today's meeting

I'm very interested in trying to understand Marc Ebbin's rationale. My immediate reaction is that this seems unnecessarily complicated. Why can't we look at the conveyance by itself? I'm not shocked that the JD work won't be done but its a little scary that the effects analysis isn't gonna give us other environmental impact information for the LEDPA decision,

Thinking back on the meeting, do you still see benefit or problem to having BOR there in future?

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From: Erin Foresman/R9/USEPA/US
To: Karen Schwinn/R9/USEPA/US@EPA
Cc: Tom Hagler/R9/USEPA/US@EPA
Date: 07/21/2011 01:38 PM
Subject: highlights of today's meeting

Hi Tom and Karen,

Just want to give you some highlights of todays DWR NEPA-CWA integration meeting. Mike N is in tomorrow and if you can make the time Tom, it would be great to have you and I discuss some of today's meeting with him. One of the primary things that came up was making a preliminary LEDPA determination on the entire BDCP, not just the Delta Conveyance. Think about that with respect to the notes below and let's talk tomorrow about it more.

Dale HF let us know that the CWA JD, using the proposed method and CRAM analysis, will not be included in DEIS because it won't be done. DWR will use estimates of jurisdictional waters that are 'conservative' (meaning assumptions are more inclusive than exclusive of jurisdiction) for the DEIS. Dale HF is going to produce a milestone schedule for the CWA JD and a description of their conservative CWA jurisdictional estimation method.

Corps and EPA reminded the group that we need this information to agree on the alternative most likely to contain the LEDPA for the Delta Conveyance Project and that the point of the MOU is to make sure the preferred alt in the DEIS includes the alternative most likely to contain the LEDPA.

DWR not sure if the MOU has been sent to the water contractors or not. Dale HF to send follow up email. Dale HF indicated DWR had seen the NEPA purpose and need statement but did not mention any concerns. Marc Ebbin circulated his proposal for a BDCP CWA basic and overall project purpose statement. The printer here isn't scanning right now so I'm retyping it below. ME explained that the proposed basic and overall project purpose statements are for the whole BDCP and should be used to support a master 404(b)(1) alts analysis. ME verified that the ESA 'effects analysis' does not include information we need for a LEDPA analysis. The LEDPA analysis will be a different kind of 'effects analysis.'

EPA and Corps reminded group that each project that applies for a 404 permit will have it's own basic and overall project purpose specific to the permit action.

Mike Nepstad agreed to provide an example of the way he thinks basic and overall project purpose should be addressed for the BDCP and specifically the Delta Conveyance.

Marc Ebbin's proposed

Basic Project Purpose: The purpose of the project is to implement the Bay Delta Conservation Plan (BDCP), which consists of a comprehensive interrelated strategy that provides for the conservation and management of aquatic and terrestrial species in the Sacramento-San Joaquin Delta (Delta) by enhancing and restoring ecological functions of the Delta, and improves the reliability of the delivery of water supplies conveyed through the Delta to large portions of the State of California. The proposed project is water dependent, as set out in the Section 404(b)(1) Guidelines.

Overall Project Purpose: The overall purpose of the proposed project is the implementation of the Bay Delta Conservation Plan (BDCP), which has been designed to achieve the dual goals of providing for the conservation and management of aquatic and terrestrial species, including the restoration and enhancement of ecological functions in the Delta, and improving the reliability of delivery of water supplies conveyed through the Delta through the SWP and CVP. To accomplish these goals, the BDCP sets out a comprehensive integrated conservation strategy that involves substantial modifications to SWP and CVP water conveyance facilities, including the addition of new points of diversion in the north Delta to convey water around the Delta; operational changes; extensive protection and restoration of physical habitat including actions to expand the extent and quality of intertidal, floodplain and other aquatic habitats; and actions to address other stressors that adversely affect sensitive species. The BDCP will achieve these goals in a manner that meets the requirements of the federal ESA and California Natural Community Conservation Planning Act (NCCPA), and that reflects the mandates of the Sacramento-San Joaquin Delta Reform Act of 2009.

Attendance
Dale HF, DWR
Sue Ramos, DWR
Cassandra Rother, DWR 404 Coordinator for BDCP
Chuck Gardner, Hallmark Group
Ken Bogdan, ICF, DWR consultant
Chris Elliot, ICF DWR consultant
Paul Robershotte, Corps
Michael Jewell, Corps
Michael Nepstad, Corps
Marc Ebbin, phone, outside council/consultant for DWR
me

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<http://www.epa.gov/region9/water/watershed/sfbay-delta/index.html>